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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Jeff S. Eder

Serial No.: 09/999,245

Filed: December 10, 1997

For: METHOD AND SYSTEM FOR ANALYZING, MODELING AND VALUING
ELEMENTS OF A BUSINESS ENTERPRISE

Examiner: F. Poinvil

Art Unit: 2768

Docket No.: 53617-2

Date: September 1, 2000

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RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This response is submitted in response to the Restriction Requirement dated August 1, 2000, in connection with the above-noted patent application.

In the Restriction Requirement, the Examiner has divided the claims into three groups: Group 1, consisting of claims 1-37 and 40-43; Group II, consisting of claim 38; and Group III, consisting of claim 39. According to the Examiner, groups II and III are related as sub-combinations disclosed as usable together in a single combination, and the sub-combinations are distinct from each other if they are shown to be separately usable. The Examiner further asserts

that, in the instant case, Group II has separate utility such as using an option pricing algorithm for deciding prices of manufacturing products.

Applicant provisionally elects Group I with traverse, but respectfully submits that the restriction is improper. First, the inventions described in Groups I, II and III have not acquired a separate status in the art because they all have the same classification, as noted by the Examiner. Therefore, a separate search is not required.

Second, the Examiner asserts that Groups II and III have separate utilities. According to MPEP § 806.05(d), the Examiner must also explain why each of Groups II and III have separate utilities from Group I, but the Examiner has not done so. In fact, the invention of Group I does not have separate utility from the invention of Group III, so there should be no restriction between these groups.

In view of the above remarks, Applicant respectfully requests withdrawal of the restriction requirement, or modification of the restriction to consolidate groups I and III. Applicant further requests examination of claims 1-43 of the above-identified application.

Respectfully submitted,

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